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DIVISION

DEP 3 REF  
Room 307

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 6/2/04

Signature: *[Signature]*  
(Glen Bundell)

2004 JUN 8 8 42 AM  
Docket # 42  
REX-P01-006  
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Antoine A. Noujaim

Application No.: 09/779439

Filed: February 8, 2001

Confirmation No.: 6671

Art Unit: 1642

For: METHOD FOR DIAGNOSING EFFICACY OF  
XENOTYPIC ANTIBODY THERAPY

Examiner: L. R. Helms

**ASSERTION OF SMALL ENTITY STATUS UNDER 37 CFR § 1.27(C)  
AND REQUEST FOR REFUND UNDER 37 CFR § 1.28**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby notify the Patent Office that Applicant is a small entity as defined within the meaning of 37 CFR § 1.27(a), and existed as a small entity at the time of payment of the fee as herein below described. Accordingly, Applicant is entitled to payment of reduced fees under 37 CFR § 1.27(b).

On April 14, 2004 an Three Month Request for Extension of Time fee was paid for the above-referenced patent application in which Applicant was mistakenly identified as a large entity. As a result the United States Patent and Trademark Office was incorrectly authorized to withdraw the large entity fee of \$950.00 instead of the small entity fee of \$475.00. Enclosed herewith is a copy of the Fee Transmittal as submitted on April 14, 2004, on which the incorrectly authorized fee is highlighted for your convenience.

2004 JUN -8 PM 4:43

Application No.: 09/779439

DIVISION OF  
2004 JUN - 3 PM 4:43  
Docket No.: AREX-P01-006

The undersigned authorizes the credit of \$475.00 to our Deposit Account No. 18-1945.  
A duplicate copy of this letter is enclosed for that purpose.

Dated: June 2, 2004

Respectfully submitted,

By Megan Jamroz  
Megan Jamroz, Ph.D.  
Registration No.: 54,196  
ROPES & GRAY LLP  
One International Place  
Boston, Massachusetts 02110-2624  
(617) 951-7000  
(617) 951-7050 (Fax)  
Attorneys/Agents For Applicant



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Approved for use through 7/31/2006. OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number

18-1945

Deposit Account Name

Ropes & Gray LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 0.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims			
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	860	2253	475	Extension for reply within third month	950.00
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or release)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 950.00

SUBMITTED BY

Name (Print/Type) Margaret E. Jamroz

Signature

Margaret E. Jamroz

Registration No. (Attorney/Agent)

54,196

(Complete if applicable)

Telephone (617) 951-7785

Date April 14, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 4-14-04

Signature: Andrea Berio (Andrea Berio)

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Dated: 4-14-04

Signature: Andrea Berlo

(Andrea Berlo)

Docket No.: AREX-P01-006  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Antoine A. Noujaim

Application No.: 09/779439

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Filed: February 8, 2001

Art Unit: 1642

For: METHOD FOR DIAGNOSING EFFICACY OF  
XENOTYPIC ANTIBODY THERAPY

Examiner: L. R. Helms

REQUEST FOR EXTENSION OF TIME

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions for a three month extension of time to and including April 16, 2004 to respond to the Office Action mailed October 16, 2003.

This petition is being filed in order to ensure copendency with application being filed concurrently herewith.

In the event that a further petition for an extension of time is required to be submitted at this time, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time for as many months as are required to ensure that the above-identified application does not become abandoned.

Please charge our Deposit Account No. 18-1945 in the amount of \$950.00 covering the fee set forth in 37 CFR 1.17(a)(3). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper

04/19/2004 CCHAUI 00000113-181945 09779439

01 FC:1253 950.00 DA

9419144.1

Adjustment date: 06/28/2004 EEKUBAY1  
04/19/2004 CCHAUI 00000113-181945 09779439  
01 FC:1253 950.00 CR

06/28/2004 EEKUBAY1 00000016 181945 09779439

01 FC:2253 475.00 DA